

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

AMERICA FIRST POLICY
INSTITUTE, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States
et al.,

Defendants.

Case No. 2:24-cv-00152-Z

**DEFENDANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A REPLY BRIEF**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's local rules, Defendants respectfully requests a 7-day extension of time, until October 11, 2024, to file a reply in support of their motion to dismiss. Under the scheduling order that the Court most recently entered, that reply is currently due on October 4, 2024. *See* Order, ECF No. 56. This is Defendants' first request for an extension of time for this purpose. Plaintiffs do not oppose this request.

This extension is necessary for several independent reasons. Since Plaintiffs sought an extension for their response, ECF No. 55, counsel for Defendants have been occupied on numerous other matters—including responding to a motion for a preliminary injunction which was filed last week in another case challenging implementation of Executive Order 14019. *See Ashcroft, et al. v. Biden*, No. 4:24-cv-1062, ECF No. 48 (E.D. Mo., Sept. 25, 2024). Like Plaintiffs here, plaintiffs in that case have requested that their motion be resolved on an expedited schedule, and attending to that motion has been time-consuming. Additionally, some members of Defendants' trial team will be absent from the office at the end of this week

for religious holidays, further cutting down on the time that counsel has available to complete the reply brief in this matter. Counsel anticipates that, due to these competing obligations and the need to confer with the various agencies named in this action, they will require an additional seven days to complete the reply brief.

This extension will not be prejudicial to Plaintiffs. Plaintiffs requested a similar extension to submit their response brief, which this Court granted. *See* ECF No. 55. Further, Plaintiffs' motion for a preliminary injunction has now been fully briefed, and thus could be resolved separate from Defendants' motion to dismiss if the Court concluded that circumstances so required.

For these reasons, Defendant respectfully requests that the Court grant this extension and allow Defendants to file a reply in support of their motion to dismiss on or before October 11, 2024.

Dated: September 30, 2024

Respectfully submitted,

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